

LANKLER SIFFERT & WOHL LLP
ATTORNEYS AT LAW

500 FIFTH AVENUE
NEW YORK, N.Y. 10110-3398
WWW.LSWLAW.COM

TELEPHONE (212) 921-8399
TELEFAX (212) 764-3701

September 27, 2016

VIA ECF AND FAX

Honorable Nicholas G. Garaufis
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201
Fax: (718) 613-2546

Re: United States v. Mark Johnson, No. 16-cr-00457 (E.D.N.Y.)

Dear Judge Garaufis:

We represent the defendant, Mark Johnson, in the above-captioned case. We write to request a telephone conference with Your Honor or Your Honor's clerk concerning our application for modification of Mr. Johnson's bail conditions as discussed at the status conference before Your Honor on September 14, 2016.

At the September 14 status conference, we asked the Court to enter an order modifying Mr. Johnson's bail arrangement to secure Mr. Johnson's million dollar bond with \$300,000 in cash, which Mr. Johnson had already deposited with the Court, a lien on Mr. Johnson's house in the United Kingdom, and the signature of Mr. Johnson's wife, Diane Minihane, as surety. In exchange, the Government has agreed to release Mr. Johnson's mother and sister, who are the existing sureties on Mr. Johnson's appearance bond. As we explained in Court, the existing arrangement was agreed upon and ordered by Magistrate Judge Bloom as an interim measure until a lien could be placed on the Johnsons' home and Ms. Minihane could make arrangements to co-sign the bond.

We understand that Your Honor has ordered that we obtain an appraisal of the Johnsons' home, and Ms. Minihane has initiated that process. We also understand that Your Honor wishes to interview Ms. Minihane. She is, of course, prepared to be interviewed by Your Honor. It will be very difficult, however, for Ms. Minihane to come to the United States at this time because the Johnsons' five children who live at home, ages 8-15, are now in school and Ms. Minihane has no child care provider or family member available to supervise the children if she is away. Consequently, if Ms. Minihane were to travel here, she would be required to take some or all of the children out of school and bring them with her. The disruption involved in removing the

LANKLER SIFFERT & WOHL LLP

children from school at this time would significantly increase the already considerable strain on Mr. Johnson's family as a consequence of his absence from home. Ms. Minihane would be able to come to court in late October because the children will then be on their mid-term school breaks, and she plans to bring the children to the United States at that time to see Mr. Johnson.

Both we and the government are interested in expediting the imposition of the lien on Mr. Johnson's house as security for his appearance bond. British counsel has informed us that they will not be able to place the lien on the Johnsons' property without an order from the Court.

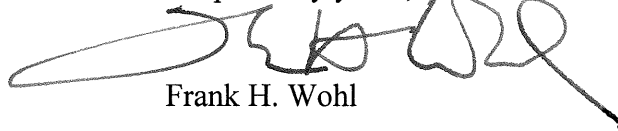
Accordingly, we and the government have agreed to request that Your Honor treat the two parts of the bail modification separately. We request that Your Honor order the imposition of the lien on Mr. Johnson's house as soon as we submit the appraisal, which we hope to do in the near future as soon as it can be obtained. Your Honor could then consider the substitution of Ms. Minihane as surety on the bond after interviewing her.

If Your Honor requires the interview of Ms. Minihane prior to approving the imposition of the lien on the property, we request that Your Honor consider conducting the interview by telephone or videoconference. Ms. Minihane could appear for a telephone interview in London at a lawyer's office or at the U.S. Embassy, which is approximately 100 miles from the Johnsons' home. If Your Honor requires that Ms. Minihane appear in person in order to accept her as a co-signer on Mr. Johnson's appearance bond, we request that Your Honor schedule the interview of Ms. Minihane for late October, at or about the time of the next status conference scheduled for October 26.

The parties are agreed that, once the lien is in place and if Ms. Minihane Your Honor accepts as a surety on Mr. Johnson's appearance bond, the government would have sufficient security to insure Mr. Johnson's appearance and that, if Your Honor so orders, the current co-sureties, Mr. Johnson's mother and sister, may be released from their obligations on the bond.

The parties jointly request a telephone conference with Your Honor or Your Honor's clerk at the Court's earliest convenience so that the parties can be sure that they are satisfying the Court's requirements.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'F. Wohl', with a long horizontal stroke extending to the left.

Frank H. Wohl

cc: Melissa Aoyagi, Esq.
Carol Sipperly, Esq.
Jacquelyn Kasulis, Esq.